IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.2774 OF 2005

Nazir Saheblal Mujawar ..Petitioner

Vs.

The State of Maharashtra
& Ors. ..Respondent

....

Ms.Sarojini Upadhya Advocate (appointed) for Petitioner
Smt.U.V.Kejariwal, A.P.P. for State

....

CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : APRIL 10,2006

ORDER ORDER : (PER SMT. V.K.TAHILRAMANI,J):

1. Heard learned advocate for the petitioner and learned A.P.P. for the State. Rule. By consent, rule is heard forthwith.

2. The petitioner had preferred application for furlough. The said application for furlough came to be rejected on the ground that if the petitioner is released on furlough, he would threaten the witnesses. As far as this apprehension is concerned, there is no material on record that

petitioner at any time, had threatened any of the witnesses. Nor any other material is pointed out on the basis of which such a conclusion was reached. Thus, we are of the opinion that the petitioner can be released on furlough.

3. The petitioner be released on furlough in accordance with the usual terms and conditions. In addition thereto, as the witnesses are residing in Kavathe Mahakal, the petitioner shall not enter Kavathe Mahakal during the period that he is on furlough. The petitioner shall inform the address at which he will reside during the period that he is on furlough. He will report to the nearest police station to that address on every alternate day during the period that he is on furlough.

4. Rule made absolute in the above terms. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]